

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF WEST VIRGINIA  
AT CHARLESTON

UNITED STATES OF AMERICA

v.

CRIMINAL ACTION NO. 2:02-00207

TIMOTHY W. DODD

SUPERVISED RELEASE REVOCATION AND JUDGMENT ORDER  
MEMORANDUM OPINION AND ORDER

On July 1, 2015, the United States of America appeared by Jennifer Rada Herrald, Assistant United States Attorney, and the defendant, Timothy W. Dodd, appeared in person and by his counsel, Gary A. Collias, for a hearing on the petition on supervised release and amendment thereto submitted by United States Probation Officer Justin L. Gibson. The defendant commenced a thirty-three month term of supervised release in this action on April 8, 2014, as more fully set forth in the Supervised Release Revocation and Judgment order entered by the court on February 11, 2014.

The court heard the admissions of the defendant and the representations and argument of counsel.

For reasons noted on the record of this proceeding, which are ORDERED incorporated herein by reference, the court found that the defendant has violated the conditions of supervised release in the following respects: (1) the defendant violated federal and state law and the condition of supervised release that he not unlawfully possess a controlled substance inasmuch as on May 30, 2014, he was in possession of methamphetamine with the intent to distribute as evidenced by his conviction on October 27, 2014, in the Circuit Court of Roane County, West Virginia, of attempt to commit a felony, to-wit: possession with intent to distribute a controlled substance, to-wit: methamphetamine; and (2) the defendant failed to abide by the special condition that he spend a period of five months at SECOR inasmuch as he entered the program on April 8, 2014, and was removed from the facility on May 21, 2014, for failure to abide by facility rules; all as admitted by the defendant on the record of the hearing and as set forth in the petition on supervised release and amendment thereto.

And the court finding, as more fully set forth on the record of the hearing, that the violations warrant revocation of supervised release and, further, that it would unduly depreciate

the seriousness of the violations if supervised release were not revoked, it is ORDERED that the supervised release previously imposed upon the defendant in this action be, and it hereby is, revoked.

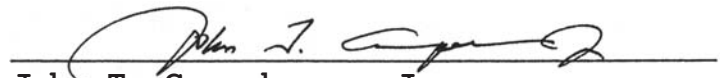
And the court having complied with the requirements of Rule 32(a)(1)(B) and (C) of the Federal Rules of Criminal Procedure, and finding, after considering the factors set forth in 18 U.S.C. § 3583(e), that the defendant should be confined to the extent set forth below, it is accordingly ORDERED that the defendant be, and he hereby is, committed to the custody of the United States Bureau of Prisons for imprisonment for a period of TWELVE MONTHS AND ONE DAY, to be followed by a term of twenty-one months less one day of supervised release upon the standard conditions of supervised release now in effect in this district by order entered June 22, 2007, and the further condition that the defendant not commit another federal, state or local crime.

The defendant was remanded to the custody of the United States Marshal.

Recommendation: The court recommends that the defendant be designated to an institution as close to Charleston, West Virginia, as feasible.

The Clerk is directed to forward copies of this written opinion and order to the defendant, all counsel of record, the United States Probation Department, and the United States Marshal.

DATED: July 6, 2015

  
John T. Copenhaver, Jr.  
United States District Judge